

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF TEXAS  
AMARILLO DIVISION

United States of America, *et al.*, *ex rel.*  
Doe,

Plaintiffs,

v.

Planned Parenthood Federation of  
America, Inc., Planned Parenthood Gulf  
Coast, Inc., Planned Parenthood of Greater  
Texas, Inc., Planned Parenthood South  
Texas, Inc., Planned Parenthood Cameron  
County, Inc., Planned Parenthood San  
Antonio, Inc.,

Defendants.

CIVIL ACTION No. 2:21-CV-00022-Z

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF THE ANTI-FRAUD  
COALITION IN SUPPORT OF *QUI TAM* RELATORS**

The Anti-Fraud Coalition (“TAF Coalition”) respectfully seeks leave to file a brief as *amicus curiae* in support of the *qui tam* Relator with respect to Defendants’ pending Motion for Judgment on the Pleadings.

The Anti-Fraud Coalition (“TAF Coalition”) is a nonprofit, public interest organization dedicated to combating fraud against the Government and protecting public resources through public-private partnerships. TAF Coalition is committed to preserving effective anti-fraud legislation at the federal and state levels. The organization has worked to publicize the *qui tam* provisions of the federal False Claims Act (“FCA”), has participated in litigation as a *qui tam* relator and as an *amicus curiae*, including on the foundational issues presented in this case, and has provided testimony to Congress about ways to improve the FCA. TAF Coalition is supported by whistleblowers and their counsel, by membership dues and fees, and by private donations. TAF Coalition is the 501(c)(3) arm of Taxpayers Against Fraud, which was founded in 1986. TAF

Coalition has a strong interest in defending the FCA and ensuring its proper interpretation and application.

TAF Coalition has filed *amicus curiae* briefs on important legal and policy issues in FCA cases before numerous federal courts, including the United States Supreme Court, several Circuit Courts of Appeals, and District Courts across the country. TAF Coalition's broad base of knowledge of the FCA is reflected in its many publications and educational outreach. TAF publishes the False Claims Act & *Qui Tam* Quarterly Review, a quarterly law journal that provides an overview of court opinions, settlements, and other developments under the Act. Past issues of the publication are available online at [www.taf.org](http://www.taf.org).

TAF Coalition has produced and makes available a variety of other resources regarding False Claims Acts, including: Advising the *Qui Tam* Whistleblower: From Identifying a Case to Filing Under the False Claims Act; Reducing Health Care Fraud, An Assessment of the Impact of the False Claims Act; Fighting Medicare Fraud: More Bang for the Federal Buck; Reducing Medicaid Fraud: The Potential of the False Claims Act; and Reducing Medicare and Medicaid Fraud by Drug Manufacturers. Most of these publications are available online at [www.taf.org](http://www.taf.org).

TAF Coalition also presents a yearly educational conference for FCA attorneys, typically attended by more than 300 practitioners – including federal, state, and private attorneys. TAF Coalition collects and disseminates information concerning the FCA and *qui tam* cases and regularly responds to inquiries from a variety of sources, including the general public, the legal community, the media, and government officials. TAF Coalition has also provided congressional testimony and conference presentations on the FCA.

TAF Coalition seeks leave to file an *amicus* brief in this case to address the Defendant's erroneous contention that the FCA's *qui tam* provisions violate the Constitution. TAF Coalition believes that its brief in this case will assist the Court in deciding these issues, as it provides important context for the critical and constitutionally appropriate role that whistleblowers play in rooting out fraud against the government. The brief also provides the Court with additional cases

showing the overwhelming consensus of the federal judiciary that the FCA's *qui tam* provisions are consistent with Article II of the Constitution.

TAF Coalition's brief, which is being filed contemporaneously with this Motion on October 13, 2023, is timely submitted as Relator's and the State of Texas' Response and Opposition to Defendant's Motion to for Judgment on the Pleadings was filed on October 11, 2023.<sup>1</sup>

TAF Coalition therefore respectfully requests that the Motion for Leave to file an *Amicus Curiae* brief be granted.

Respectfully Submitted,

Dated: October 13, 2023

TAF Coalition

By: *s/Jacklyn N. DeMar*

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TAF Coalition

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<sup>1</sup> Although there is no Federal Rule of Civil Procedure that governs the timing for filing of amicus briefs at the district court level, Federal Rule of Appellate Procedure 29(a)(6) provides that *amicus curiae* must file their briefs within seven days after the principal brief of the party being supported.